

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LANCE SCHULTZ, et al.,	:	CIVIL ACTION NO. 1:04-CV-1823
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
KEVIN WILSON, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 7th day of September, 2006, upon consideration of defendant Sharon Gelwick's motion for an enlargement of time *nunc pro tunc* (Doc. 54) to file a statement of material facts in support of her motion for summary judgment (Doc. 48), see L.R. 56.1, and of plaintiffs' motion to strike (Doc. 55) the motion for summary judgment (Doc. 48) due to the absence of a statement of material facts, and it appearing that defendant filed a statement of material facts (Doc. 59) on August 7, 2006, and that defendant has demonstrated excusable neglect for the belated filing,¹ see FED. R. CIV. P. 6(b)(2); see also In re Cendant Corp. Prides Litig., 233 F.3d 188, 196 (3d Cir. 2000) (discussing factors to assess in determining excusable neglect including the reason for delay and the potential impact of that delay), it is hereby ORDERED that:

¹ Defendant Gelwick's delay was warranted by her receipt of numerous deposition transcripts a short time before the filing deadline for dispositive motions. The court notes that three of the other defendants in this case have been granted extensions of time based, in large part, on the same circumstances. (See Docs. 44, 46.)

1. The motion for an enlargement of time (Doc. 54) is GRANTED.
2. The motion to strike (Doc. 55) defendant's motion for summary judgment is DENIED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge